

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 16-18400
Arthur Stanley Engel and Ronnie Judith Engel Judge: _____
Chapter: 13

Debtor(s) "2nd modified plan"

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: May 15, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1,454.00 per month to the Chapter 13 Trustee, starting on June 1, 2017 for approximately 47 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☐ Future earnings
☒ Other sources of funding (describe source, amount and date when funds are available):
Social Security and help from family

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 5 Coventry Court Brick NJ

Proposed date for completion: 6 months after confirmation

*clients are in a
trial loan
modification

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
William H. Oliver Jr.	Administrative Expenses	\$0

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Citimortgage Inc - 1st Mortgage	5 Coventry Court Brick, NJ	(Post Petition arrears to be cured through loan modification - clients now in trial mod)	0%	(Post Petition arrears to be cured through loan modification - clients now in trial mod)	\$884.00
Wells Fargo Home mortgage	Real Estate Taxes 31 Chelsea Road Jackson, NJ	\$10,433.87	0%	\$10,433.87	\$750.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 54,992.26 to be distributed *pro rata* non-exempt equity
☐ Not less than _____ percent interest in property
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Toyota Motor Credit	Auto Lease	Assume

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims - William H. Oliver Jr.
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims 6) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: November 18, 2016.

Explain below **why** the plan is being modified:

The plan is being modified to remove the IRS priority taxes and the State Sales Taxes to be paid based upon amended claim balance of \$0.
Also, Coventry Court post petition mortgage arrears to be cured through a loan modification, clients are currently in a trial loan modification. We are also paying back Wells Fargo \$10,433.87 real estate taxes to be paid through the chapter 13 plan based upon claim.
Also we are paying back \$54,992.26 non-exempt equity in property owned by debtors.

Explain below **how** the plan is being modified:

Part 1a payment changed to \$1520 x 47 months.
Part 3 removed IRS and State Sales Taxes as amended claim \$0
Part 1c and 4a mortgage arrears to be paid for Coventry Court property to be cured through loan modification
Part 4a paying Wells Fargo taxes claim amount \$10,433.87
Part 5a unsecured creditors to be paid \$54,992.26 of non-exempt equity in property.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: May 15, 2017

/s/William H. Oliver Jr.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 15, 2017

/s/Arthur Stanley Engel
Debtor

Date: May 15, 2017

/s/ Ronnie Judith Engel
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Arthur Stanley Engel
 Ronnie Judith Engel
 Debtors

Case No. 16-18400-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 37

Date Rcvd: May 19, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2017.

db/jdb
 cr +Arthur Stanley Engel, Ronnie Judith Engel, 31 Chelsea Road, Jackson, NJ 08527-2645
 +WELLS FARGO BANK, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 516149266 +1st Data, 4000 Coral Ridge Drive, Coral Springs, FL 33065-7614
 516149267 +A-1 Collections Svc, 101 Grovers Mill Rd Ste, Lawrenceville, NJ 08648-4706
 516149268 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)
 516149269 +C&M Shade Corp, 53 Dwight Place, Fairfield, NJ 07004-3311
 516248399 +C&M Shade Corp., c/o Kessler Law, LLC, 354 Eisenhower Parkway, Plaza I, Suite 2250,
 Livingston, NJ 07039-1056
 516355501 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516375046 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971
 516375311 CitiMortgage, Inc., P.O. Box 6030, Sioux Falls, SD 57117-6030
 516149270 +Citimortgage Inc, Po Box 9438, Gaithersburg, MD 20898-9438
 516246129 +Congregation Ahavat Olam, c/o Kathleen R. Wall, Esq., 2640 Highway 70, Ste. 9A, PO Box A,
 Manasquan, NJ 08736-0631
 516375881 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 516149272 +John & Sally Tully, 5 Coventry Court, Jackson, NJ 08527-3300
 516149273 +Kathleen Wall, 2640 Highway 70, Po Box A, Manasquan, NJ 08736-0631
 516149274 +Kessler Law LLC, 354 Eisenhower Parkway, Plaza 1 Suite 2250, Livingston, NJ 07039-1056
 516149276 +Mcydsnb, 9111 Duke Blvd, Mason, OH 45040-8999
 516149277 +National Funding, Inc., 9820 Towne Centre Drive, Suite 200, San Diego, CA 92121-1944
 516194603 +National Funding, Inc., c/o Szabo Associates, Inc., 3355 Lenox Rd. NE, Suite 945,
 Atlanta, GA 30326-1357
 516149278 +Payment Remittance Center/Wells Fargo, PO Box 51174, Los Angeles, CA 90051-5474
 516149279 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of the Treasury,
 Division of Taxation, P.O. Box 187, Trenton, NJ 08695-0187)
 516149282 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Co, 4 Gatehall Dr Ste 350,
 Parsippany, NJ 07054)
 516149280 +Tom Glen Inc., 1306 South Roller Road, Ocean, NJ 07712-3904
 516246133 +Tom Glen Inc., c/o Kathleen R. Wall, Esq., 2640 Highway 70, Ste. 9A, PO Box A,
 Manasquan, NJ 08736-0631
 516149281 +Toyota Financial Service, Po Box 4102, Carol Stream, IL 60197-4102
 516179413 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 516241431 +WELLS FARGO BANK N.A., PO BOX 29482, PHOENIX AZ 85038-9482
 516149283 +Wells Fargo, PO Box 6000, Fort Mill, SC 29716-1930
 516275496 Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road,
 Eagan MN 55121-7700
 516645282 Wells Fargo Bank, N.A., as servicer, Default Document Processing,
 1000 Blue Gentian Road, MAC# N9286-01Y, Eagan, MN 55121-7700
 516383146 +Wells Fargo Card Services, 1 Home Campus 3rd Floor, Des Moines, IA 50328-0001
 516149284 +Wf Crd Svc, Po Box 14517, Des Moines, IA 50306-3517

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov May 19 2017 23:14:41 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 19 2017 23:14:37 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516160854 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 20 2017 00:51:13
 American InfoSource LP as agent for, First Data Global Leasing, PO Box 248838,
 Oklahoma City, OK 73124-8838
 516181726 E-mail/Text: cio.bncmail@irs.gov May 19 2017 23:14:13 Dept. of the Treasury,
 Internal Revenue Service, PO Box 7346, Phila, PA 19101-7346
 516149275 +E-mail/Text: bnckohlsnotices@becket-lee.com May 19 2017 23:14:03 Kohls/Capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516149271* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, Special Procedures, Bankruptcy Section,
 P.O. Box 724, Springfield, NJ 07081)
 516296213* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,
 Trenton, NJ 08695-0245)

TOTALS: 0, * 2, ## 0

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 37

Date Rcvd: May 19, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 21, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 18, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
John Philip Schneider on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
Michael Frederick Dingerdissen on behalf of Creditor WELLS FARGO BANK, N.A.
nj.bkecf@fedphe.com
William H. Oliver, Jr. on behalf of Joint Debtor Ronnie Judith Engel bkwoliver@aol.com
William H. Oliver, Jr. on behalf of Debtor Arthur Stanley Engel bkwoliver@aol.com
William M.E. Powers on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com
TOTAL: 9